"(1) INDUSTRIAL OR COMMERCIAL FACILITY.—The term 'industrial or commercial facility' means any building or equipment—

"(A) which is or will be used primarily for the mining, manufacturing, assembling, fabricating, storing, processing, or sale of articles or commodities (including any building or equipment the use of which is incidental to such mining, manufacturing, assembling, fabricating, storing, processing, or sale), and

"(B) a substantial portion of which has been or will be sold or leased to nonpublic enterprises. Such term does not include land (or interests in land).

"(2) INDUSTRIAL DEVELOPMENT OBLIGATION.—The term 'industrial development obligation' means any obligation which is issued (whether before or after the acquisition, construction, or improvement of the industrial or commercial facility involved) by a State, the District of Columbia, a possession of the United States, or any political subdivision or instrumentality of any of the foregoing, to finance directly or indirectly the acquisition, construction, or improvement of an industrial or commercial facility, and the interest on which is wholly exempt from the taxes imposed by this subtitle. For purposes of the preceding sentence, where a State or other governmental unit borrows money through a bank loan or otherwise, such governmental unit shall be treated as having issued an obligation at the time of such borrowing."

(b) The table of sections for part IX of subchapter B of chapter 1 of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new item:

"SEC. 276. Certain payments to issuer of tax-exempt obligations."

SEC. 2. The amendments made by the first section of this Act shall apply only with respect to taxable years ending after the date of the enactment of this Act, and only in the case of amounts paid or accrued with respect to the use or occupancy of an industrial plant acquired, constructed, or improved with the proceeds of industrial development obligations issued after the date of the enactment of this Act.

S. 1283

A bill to amend section 103 of the Internal Revenue Code of 1954 to remove the tax exemption for interest on State or local obligations issued to finance industrial or commercial facilities to be sold or leased to private profitmaking enterprises

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is hereby declared to be the policy of Congress and the purpose of this legislation—

(1) to encroach in no way whatsoever upon the rights of the States and local governments to issue for any purpose which may be a public purpose obligation the interest on which is wholly exempt from Federal income taxation, but

(2) to provide that a similar exemption will not continue to be available for subsidizing the financing of industrial and commercial facilities to be sold or leased to private profitmaking enterprises.

SEC. 2. Section 103 of the Internal Revenue Code of 1954 (relating to interest on certain governmental obligations) is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

"(c) OBLIGATIONS TO FINANCE INDUSTRIAL OR COMMERCIAL FACILITIES.—

"(1) INCLUSION IN INCOME.—Notwithstanding subsection (a)(1), where part or all of the amount which the issuing authority receives from the issuance of an obligation described in subsection (a)(1) is to be used for industrial development purposes, a like percentage of each interest installment on such obligation shall be included in gross income. For purposes of the preceding sentence, where a State or other governmental unit borrows money through a bank loan or otherwise, such governmental unit shall be treated as having issued an obligation at the time of such borrowing.

"(2) CERTIFICATION BY ISSUING AUTHORITY TO BE FINAL.—For purposes of this subsection, a certification by the issuing authority—

"(A) that no part of the amount received from the issuance of an obligation is to be used for industrial development purposes, or

"(B) specifying the percentage of the amount received from the issuance of an obligation which is to be used for industrial development purposes, shall be final and conclusive.

"(3) USE FOR INDUSTRIAL DEVELOPMENT PURPOSES.—

"(A) For purposes of this subsection, an amount is to be used for industrial development purposes to the extent it is to be used to finance directly or indirectly the acquisition, construction, or improvement (whether occurring before or after the issuance of the obligation) of one or more industrial or commercial facilities.

"(B) For purposes of subparagraph (A), the term 'industrial or commercial facility' means any building or equipment—

"(i) which is or will be used primarily for the mining, manufacturing, assembling, fabricating, storing, processing, or sale of articles or commodities (including any building or equipment the use of which is incidental to such mining, manufacturing, assembling, fabricating, storing, processing, or sale), and

"(ii) a substantial portion of which has been or will be sold or leased to nonpublic enterprises.

Such term does not include land (or interests in land)."

SEC. 3. The amendment made by section 2 of this Act shall apply only to obligations issued after the date of the enactment of this Act.

PROPOSED LEGISLATION TO AMEND THE IMMIGRATION AND NATIONALITY ACT

Mr. FONG. Mr. President, I introduce, for appropriate reference, a series of six bills to amend the Immigration and Nationality Act of 1952, as amended by the Immigration Reform Act of 1965.

A few days ago I noted with great pleasure and satisfaction that after 1 year of experience under the landmark Immigration Reform Act of 1965, immigration to the United States from all over the world has become more evenly distributed.

This result eloquently attests to the fact that we have achieved one of the principal avowed purposes of the new law—that is, to wipe out all traces of racial discrimination from our immigration laws and policies.

A number of shortcomings, however, still exist in our basic immigration law. These shortcomings had been noted during consideration of the Immigration Reform Act in 1965, but those of us who strongly favored the law decided not to push them, because we felt that the more basic reforms should come first.

Now that these basic changes have been accomplished and have proved effective, I believe that the Congress should consider and enact corrective legislation to plug these loopholes in our laws.

By enacting these changes, we will be bringing the Immigration and Nationality Act into closer harmony with the traditional American concepts of fair play and equal justice for all under the law.

BILL TO GIVE CITIZENSHIP TO VIETNAM WAR VETERANS

First. I introduce, for appropriate reference, a bill to amend section 329 of the Immigration and Nationality Act. This legislation would facilitate the naturalization of certain aliens or noncitizen nationals who have served honorably in the armed services of the United States during the Vietnam hostilities.

I have carefully considered the most appropriate date which should be specified in the bill as the date on which the Vietnam hostilities may be deemed to have begun. The date February 12, 1955, has been selected because that was when the first American military assistance group—approximately 800 members of the Special Forces—was sent to Vietnam.

As for the closing date, I have left this open and flexible and propose that this be left to the discretion of the President in view of the uncertainty of the present situation in Vietnam.

To qualify for naturalization under my bill, an alien or noncitizen national GI must have served honorably in the Armed Forces of the United States in an active duty status, and have been honorably separated.

In addition, my proposal incorporates the two alternative conditions precedent already spelled out in section 329(a) of the Immigration and Nationality Act—8 United States Code 1440—that is, first, at the time of enlistment or induction the serviceman "shall have been in the United States, the Canal Zone, American Samoa, or Swains Island, whether or not he has been lawfully admitted to the United States for permanent residence"; or, second, at any time subsequent to enlistment or induction the serviceman "shall have been lawfully admitted to the United States for permanent residence."

Under the same provision, no person who was a conscientious objector, who refused to wear the uniform, or who was separated from the military service on account of alienage, may be regarded as having "served honorably" or having been separated "under honorable conditions." These requirements are retained in my proposal.

This legislation also leaves intact all other basic requirements for citizenship enumerated under chapter 2 of the Immigration and Nationality Act, such as the requirement of good moral character, allegiance to the principles of the Constitution, and the understanding of the English language.

Finally, this bill would leave unaffected an alternative procedure for the naturalization of alien GI's provided for under section 328 of the Immigration and Nationality Act. Section 328 allows aliens who serve honorably in the Armed Forces for an aggregate period of 3 years following lawful admission for permanent residence to apply for

Mr. President, section 4(a) of the Universal Military Training and Service Act—50 appendix U.S.C. 454(a)—provides that—

Every male citizen of the United States and every male alien admitted for permanent residence, who is between the ages of eighteen years and six months and twenty-six years . . . shall be liable for training and service in the Armed Forces of the United States.

That law further provides that—

Any male alien who is between the ages of eighteen years and six months and twenty-six years . . . who has remained in the United States in a status other than that of a permanent resident for a period exceeding one year . . . shall be liable for training and service in the Armed Forces of the United States.

The Universal Military Training and Service Act allows an alien to be relieved from liability for training and service under the act if he makes application to the appropriate authorities. But any alien who so applies "shall thereafter be debarred from becoming a citizen of the United States."

Besides induction, aliens may, under certain conditions, enter the service by voluntarily enlisting in the Armed Forces of the United States.

Under the authority of an act of June 30, 1950—64 Stat. 316—2,500 unmarried male aliens were authorized for enlistment in the Regular Army of the United States. However, Public Law 87–143, section 1(1), 75 Stat. 364, enacted August 17, 1961, provides that—

In time of peace, no person may be accepted for original enlistment in the Army unless he is a citizen of the United States or has been lawfully admitted to the United States for permanent residence.

Public Law 87–143, then, revokes the authority granted under the 1950 act. Aliens who did enlist under the 1950 act were exempted from the limitations of Public Law 87–143, by a law enacted by the 85th Congress—Public Law 85–116, 71 Stat. 311.

Mr. President, as of March 31, 1966, there were approximately 2,968,000 men and women serving in the U.S. Armed Forces. Of this number about 889,000 serve at the overseas bastions of the United States as protectors of freedom and democracy. Approximately half a million soldiers wearing the American uniform are now fighting in South Vietnam to stem Communist aggression in that area of the world.

While more recent figures and more inclusive statistics are not available, the Department of Defense has been able to give me the number of aliens who are serving in the U.S. Army as of July 31, 1965. Out of an approximate total of 970,000 GI's 2,005 were aliens—about twenty-seven one-hundredths of 1 percent. Of this 2,605 total, 835 aliens were inductees who were either permanent residents of the United States or who have resided in the country for 1 or more years, as required by the Universal Military Training and Service Act which I discussed earlier. The remaining 1,770 were voluntary enlistments.

Comparable figures for other branches of our Armed Forces are not available. However, the Department of Defense has assured me that the number of aliens serving in the U.S. Navy and Air Force is very, very small, and that the number serving in the Army constitutes well over 95 percent of the total number of aliens serving in all three branches of the armed services.

I feel very strongly that any man or woman wearing the American uniform, serving in the defense of our country, risking his life for the United States, should have the opportunity of immediately becoming an American citizen if they qualify. We can bestow upon them no higher honor for the great service they are rendering our Nation.

There is ample precedent for my proposal. Similar legislation was enacted previously, enabling aliens who served honorably in the Armed Forces of the United States during World War II and the Korean war to qualify for naturalization, whether or not they had been admitted to the United States as permanent residents. These laws were enacted on March 27, 1942, to affective veterans of World War II, and on June 30, 1953, affecting veterans of the Korean hostilities.

Having extended the privilege of naturalization to veterans of all previous conflicts in recent history, I believe veterans of the Vietnam conflict should also be accorded these privileges.

I trust that the Congress will speedily and expeditiously enact this very meritorious legislation.

Mr. President, I ask unanimous consent that the full text of the bill be printed at this point in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 1284) to amend section 329 of the Immigration and Nationality Act in order to facilitate the naturalization of certain aliens or noncitizen nationals who have served honorably in the Armed Forces of the United States during the Vietnam hostilities, introduced by Mr. FONG, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 1284

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 329 of the Immigration and Nationality Act (8 U.S.C. 1440), relating to naturalization through active-duty service in the Armed Forces of the United States, is amended by inserting "or during a period beginning February 12, 1955, and ending on the date of the close of the Vietnam hostilities, as determined by the President," immediately after "July 1, 1955," at each place it appears in subsections (a) and (b) of such section.

(b) The section heading of such section 329 is amended to read as follows:

"NATURALIZATION THROUGH ACTIVE-DUTY SERVICE IN THE ARMED FORCES DURING WORLD WAR I OR WORLD WAR II, OR THE KOREAN HOSTILITIES, OR THE VIETNAM HOSTILITIES"

(c) Section 329 of the table of contents of such Act is amended to read as follows:

"SEC. 329. Naturalization through active duty service in the Armed Forces during World War I or World War II, or the Korean hostilities, or the Vietnam hostilities"

BILL TO ALLOW ALIEN GI'S TO REENLIST

Mr. FONG. Mr. President, second. I introduce, for appropriate reference, a bill to amend the Immigration and Naturalization Act, allowing any alien who has been inducted into the U.S. Army to reenlist in the U.S. Regular Army.

Under provisions of the Immigration and Naturalization Act of 1952, as amended by the Immigration Reform Act of 1965, foreign-born persons without permanent U.S. residence status who are inducted into the U.S. military forces are prohibited from reenlisting or extending service.

My bill would render alien inductees now in the U.S. military service eligible for reenlistment by waiving this requirement of permanent residence.

In addition, my proposal leaves intact the provisions of the Immigration and Naturalization Act that give naturalization rights to persons who satisfy three requirements: First, have served for 3 years in the U.S. Armed Forces; second, were honorably discharged; and, third, filed naturalization papers within 6 months of his separation from the service.

Alien GI's under my proposal may qualify for naturalization under these requirements, but my bill would add a fourth requisite; he must first reenlist in the Regular Army of the United States.

All the other requirements to citizenship, such as good moral character, are, of course, retained under this proposal.

My bill would take care of requests such as those I have received from several citizens of the Philippine Republic who entered the United States as contract laborers for the U.S. Navy at Guam, and other alien GI's who have served our Nation honorably and well but who have been barred from reenlistment under present laws. Many of these alien GI's had been inducted into the U.S. Army and are now serving at Schofield Barracks, Hawaii.

All who have written to me have expressed a deep loyalty to America and see a continuance of their service in our Armed Forces as their patriotic duty to their newly adopted country.

Mr. Prseident, I feel that this is a meritorious bill, in that the commendable impulses of persons who are of proven worth to serve the Nation should be encouraged. I believe, to paraphrase Thomas Paine, that "Those who expect to reap the blessings of freedom" should be given the opportunity to "undergo the fatigue of supporting it."

I ask unanimous consent that the text of this bill be printed in the RECORD at this point.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 1285) to amend section 328 of the Immigration and Nationality Act relating to naturalization through service in the Armed Forces of the United States, and for other purposes, introduced by Mr. FONG, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 1285

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 328(b) of the Immigration and Nationality Act (8 U.S.C. 1439) is hereby amended (1) by striking the period at the end of paragraph (3) and inserting in lieu thereof a semicolon, and (2) by adding at the end thereof the following new paragraph:

"(4) the petitioner may be naturalized without having been lawfully admitted for permanent residence, if (A) at any time subsequent to enlistment or induction, the petitioner shall have entered the United States pursuant to official orders of the Armed Forces of the United States, and (B) the petitioner, unless ineligible, shall have reenlisted in the Armed Forces in the United States within five years after the date of expiration of the original term of service for which the petitioner had enlisted or was inducted."

SEC. 2. Section 3253(c) of title 10, United States Code, is hereby amended to read as follows:

"(c) In time of peace, no person may be accepted for original enlistment in the Army unless—

"(1) he is a citizen of the United States, or

"(2) he has been lawfully admitted to the United States for permanent residence under the applicable provisions of the Immigration and Nationality Act, or

"(3) he has been inducted into the Army and enlists on or before the date of the expiration of the term of service for which he was inducted, or within any period of five years immediately succeeding such date if he has resided continuously in the United States during such period."

BILL TO FACILITATE IMMIGRATION OF CERTAIN PROFESSIONAL, SKILLED, AND OTHER WORKERS

Mr. FONG. Mr. President, third. I introduce for appropriate reference a bill to facilitate the immigration to the United States of aliens seeking to enter this country to perform labor of a type for which there are not sufficient workers available here.

Mr. President, long before the Immigration Reform Act of 1965 was passed by the Congress, and again during the Senate debate on that law, I presented to the Senate a rather extensive study on the immigration laws of this country.

One of the main points I made then was that the admission of more immigrants to the United States would not add to our unemployment—rather, that exactly the contrary was true.

I pointed out that only half of all the immigrants to America could have entered the work force. The overwhelming proportion of those who could work in this group were in the central age range urgently needed by our economy.

Most of these immigrants were skilled workers already trained and educated, and able to fill serious occupational shortages. High unemployment rates in this country were and still are in the unskilled occupational groups. Since most immigrants are skilled, they do not then measurably take away employment from unemployed Americans. See the CONGRESSIONAL RECORD of September 20, 1965, pages 23557 to 23560.

Experience under the 1965 law has reaffirmed all of these facts. In fact, experience under the new law has proved that existing provisions of the law are unduly restrictive.

Section 212(a)(14) as presently written provides that any alien seeking to enter the United States for the purpose of performing skilled or unskilled labor is automatically ineligible to receive a visa and shall be excluded from admission into the United States.

Such aliens may be issued visas and admitted only if the Secretary of Labor determines specifically and in each case that: first, there are not sufficient workers in the United States who are able, willing, qualified, and available at the time of application for a visa and admission to the United States and at the place to which the alien is destined to perform such labor; and second, that the employment of such alien will not adversely affect the wages and working conditions of the workers in the United States similarly employed.

These limitations apply to aliens in the classes described in section 101(a)(27)(A) of the Immigration and Nationality Act and in paragraphs (3), (6), and (8) of section 203(a) of that act. In general these are special immigrants from the Western Hemisphere, those who are members of the professions, or persons with exceptional ability in the sciences or arts, persons capable of performing specified skilled or unskilled labor not of a temporary or seasonal nature, or persons who are nonpreference aliens.

The instant bill would revise the provisions of section 212(a)(14) so that aliens seeking to enter the United States to perform labor will no longer be automatically ineligible for visas and admission, unless the Secretary of Labor determines that there are sufficient workers in the United States able, willing, qualified, and available to perform that type of labor, or that their employment will adversely affect the wages and working conditions of the workers in the United States similarly employed.

The coverage of the revised section 212(a)(14) would apply to the same aliens as the present language of the law.

My amendment would, in effect, restore the law relating to the amendments to section 212(a)(14) made by the Immigration Reform Act of 1965. Thus, except for certain changes necssary to conform with other amendments to the Immigration and Nationality Act made by the act of 1965, my proposal would amend the language of section 212(a)(14) to read exactly the same as it did before the enactment of the act of 1965.

Finally, the bill would repeal the third sentence of section 203(a)(8) of the Immigration and Nationality Act, which provides that no immigrant visas shall be issued to immigrants within the classes described in paragraphs (3), (6), and (8) of that section unless the consular officer is in receipt of a determination made by the Secretary of Labor pursuant to section 212(a)(14). This sentence must be repealed in order to conform with the revisions I discussed earlier which are to be made in section 212(a)(14).

Mr. President, the law as it now stands undoubtedly [illegible] workers having skills and talents badly needed by our national economy and who wanted to come to America.

Moreover, I believe that this result was not intended by the Members of Congress—including myself—who had a hand in drafting the Immigration Reform Act of 1965. It is wholly inconsistent with the liberal spirit of the new law.

In far too many cases, nurses, engineers, teachers of foreign languages, chefs, scientists, and others representing a wide array of vocations have found it difficult to enter the country.

One of the primary goals of the 1965 act was to facilitate the admission of highly qualified immigrants—not to impede their entry.

I am well aware of recent steps taken by the Department of Labor to ease the processing procedure on labor clearances. But I feel that legislative action is absolutely essential to correct this unfortunate situation.

I ask unanimous consent that the text of this bill be printed in the RECORD at this point.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 1286) to amend the Immigration and Nationality Act to facilitate the immigration of aliens seeking to enter the United States to perform labor of a type for which there are not sufficient workers available in the United States, and for other purposes, introduced by Mr. FONG, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 1286

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the third sentence of section 203(a)(8) of the Immigration and Nationality Act (8 U.S.C. 1153), relating to the prohibition against the issuance of immigrant visas to certain aliens seeking to enter the United States for the purpose of performing skilled or unskilled labor, is hereby repealed.

SEC. 2. Section 212(a)(14) of the Immigration and Nationality Act (8 U.S.C. 1182), relating to the exclusion of certain aliens seeking to enter the United States to perform skilled or unskilled labor, is amended to read as follows:

"(14) Aliens seeking to enter the United States for the purpose of performing skilled or unskilled labor, if the Secretary of Labor has determined and certified to the Secretary of State and to the Attorney General that (A) sufficient workers in the United States who are able, willing, and qualified are available at the time of application for a visa and for admission to the United States and at the place to which such aliens are destined to perform such skilled or unskilled labor, or (B) the employment of such aliens will adversely affect the wages and working conditions of the workers in the United States similarly employed. The exclusion of aliens under this paragraph shall apply only to special immigrants defined in section 101(a)(27)(A) (other than the parents, spouses, or children of United States citizens or of aliens lawfully admitted to the United States for permanent residence), to preference immigrants described in section 203(a)(3) and (6), and to nonpreference [illegible] section 203(a)(8);".

BILL TO ESTABLISH AN INDEPENDENT BOARD OF VISA APPEALS

Mr. FONG. Mr. President, fourth, I introduce for appropriate reference a bill to establish an independent board, to be known as the Board of Visa Appeals.

The first section of the bill provides for the establishment of the Board and contains necessary administrative provisions.

Under my proposal, the Board is to consist of five members who may meet within or outside the United States. The Chairman would be compensated at the second lowest level of the executive schedule—currently $27,000 annually—and the other members would be compensated at the lowest level of the executive schedule—currently $26,000.

Section 2 would provide jurisdiction to the Board to review, upon request, determinations of the United States consular officers and immigration officers refusing or revoking visas or conditional entries to aliens outside the United States.

At present, there is only a limited intra-department review available with respect to some of these determinations. But there is no quasi-judicial board authorized to conduct any such review.

Under existing regulations, if a consular officer refuses a nonimmigrant or immigrant visa the principal consular officer or his designee reviews the case. If he does not concur in the refusal, he may refer the case to the Department of State or assume responsibility for the case himself.

Also, the Department may request a consular officer in any case to submit a report if a visa has been refused. The Department may then furnish an advisory opinion to the consular officer, but it may only issue binding rules on an interpretation of the law, as distinguished from an application of the law to the facts.

No system of administrative review appears to be provided by law or under regulations in the case of the revocation of a nonimmigrant or immigrant visa by a consular officer, or the refusal of conditional entry by an immigration officer, to an alien outside the United States.

The provisions of section 2 of the bill are self-explanatory In summary, unless the Board finds any request to be frivolous on its face, it shall proceed to review the challenged determination. Each review is to be conducted solely upon the administrative record upon which the determination is based.

The Board shall set aside as unlawful any findings of fact or conclusions of law unsupported by reasonable, substantial, and probative evidence, and any action which is an abuse of discretion or in excess of statutory authority The Board shall compel any action of a consular officer or immigration officer found to have been unlawfully withheld.

Decisions of the Board are made binding upon the officer concerned and are not to be subject to any administrative or judicial review. This means that the Secretary of State or the Attorney General could not overturn a decision of the Board. In addition, the procedure for review set forth in section 2 is to be the exclusive means for review of determinations covered by section 2.

Section 3 of my proposal would require that consular officers and immigration officers receiving applications for nonimmigrant or immigrant visas or conditional entries from aliens outside the United States must inform these aliens of their right under this act to appeal to the Board for a review of any determinations refusing or revoking such visas or conditional entries.

Section 4 contains an open-end authorization of such sums as may be necessary to carry out the act.

The jurisdiction of the Board does not extend to any determinations with respect to: First, the approval of petitions or certificates to grant special immigrant or nonimmigrant status; second, the extension of time for the expiration of a nonimmigrant visa; or third, any orders of deportation to exclusion.

My proposal would leave undisturbed existing provisions of the law that the Attorney General shall make the decisions of whether or not to approve petitions granting special immigrant status—for example, that of a member of the professions or a person with exceptional ability in the sciences or the arts, special nonimmigrant status, or an imported migratory worker.

Under my bill, the authority to prescribe the period of time during which nonimmigrants may stay in the United States would remain solely with the Attorney General. Also left intact is the provision that the Secretary of Labor is to make the determinations of whether or not to make the certifications necessary for the admission of aliens seeking to enter the United States for the purpose of performing skilled or unskilled labor.

In contrast, my proposal provides that only determinations made by consular officers and immigration officers are subject to review by the Board of Visa Appeals. Consequently, the Board is not granted authority to review determinations required to be made by the head of an executive department.

With respect to orders of deportation and exclusion, significant differences exist between these orders and the determinations made subject to review by the Board under my proposed bill. As most Senators know, orders of deportation are applicable only in the case of aliens actually within the United States; and orders of exclusion are applicable only to aliens arriving at the ports of the United States and seeking admission.

Under my bill, determinations which may be reviewed by the Board of Visa Appeals are applicable to aliens who are still in foreign countries.

I have also excluded orders of exclusion and deportation from the purview of my proposal, because there is already an extensive type of administrative review provided for under the Immigration and Nationality Act. Section 236 provides that a special inquiry officer may review the decision of an immigration officer to detain an arriving alien. From a decision of a special inquiry officer excluding an alien, that alien may appeal to the Attorney General who by regulations has established a quasi-judicial board—the Board of Immigration Appeals—with appellate jurisdiction over such decisions.

In the case of orders of deportation, the present law also provides for proceedings before a special inquiry officer—section 242. Again, decisions of these officers may be appealed to the Board of Immigration Review.

In both cases the Attorney General retains authority to review the decisions of the Board of Immigration Appeals.

As I pointed out earlier, there is no review procedure before a quasi-judicial board now provided under law or regulations for decisions of consular officers and immigration officers refusing or revoking visas or conditional entries.

Furthermore, in both the case of final orders of deportation and exclusion there is specific statutory authority for the right of judicial review—section 106, Immigration and Nationality Act.

Thus, while aliens already in the United States may appeal all decisions of immigration officials to the Board of Immigration Review, the Attorney General, and the Secretary of State—all of whose decisions, in turn, are subject to judicial review—aliens outside the country have no such recourse.

More often than not, decisions of consular officers are final and not appealable.

As we are a government of laws, not of men, I feel that this is a gross inequity which my proposal would correct.

I ask unanimous consent that the text of this bill be printed in the RECORD at this point.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 1287) to establish a Board of Visa Appeals with jurisdiction to review determinations of consular officers and immigration officers refusing or revoking the issuance of nonimmigrant or immigrant visas or refusing the granting of conditional entries to aliens outside the United States, introduced by Mr. FONG, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 1287

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there is hereby created a Board to be known as the Board of Visa Appeals (hereafter referred to as the "Board"), which shall be composed of five members, who shall be appointed by the President by and with the advice and consent of the Senate. One of the original members shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years, beginning from the date of enactment of this Act, but their successors shall be appointed for terms of five years each, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed.

(b) The President shall designate one member to serve as Chairman of the Board, and one member to serve as Vice Chairman. The Chairman shall be responsible on behalf of the Board for the administrative operations of the Board and shall appoint such employees as the Board deems necessary to as-

sist it in the performance of its functions. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman or in the event of a vacancy in that office.

(c) A vacancy in the Board shall not impair the right of the remaining members to exercise all the powers of the Board and three members thereof shall constitute a quorum.

(d) The Board shall at the close of each fiscal year report to the Congress and to the President concerning the actions it has taken during such fiscal year and the names, salaries, and duties of all individuals in its employ and the moneys it has disbursed.

(e) The principal office of the Board shall be in or near the District of Columbia, but it may meet or exercise its powers at any other place within or outside the United States.

(f) The Chairman shall be compensated at the rate prescribed for level IV of the executive schedule and the other members shall be compensated at the rate prescribed for level V of the executive schedule.

SEC. 2. (a) The Board shall have jurisdiction to review, upon the request of any alien outside the United States who has applied for a nonimmigrant or immigrant visa or a conditional entry, pursuant to the Immigration and Nationality Act, all determinations of United States consular officers pertaining to the refusal or revocation of such a nonimmigrant or immigrant visa to such alien and all determinations of Immigration and Naturalization Service officers refusing the conditional entry of such alien. Every alien seeking to obtain review by the Board of any such determination shall submit a request therefor to the Board in such form and manner as the Board may by regulations prescribe; but each such request shall set forth a concise statement of the facts upon which the request is based and the grounds upon which such alien believes he is entitled to relief. No such request may be submitted to the Board by any alien later than six months after the date of the making of the determination with respect to which such alien is seeking review.

(b) Upon the filing of a request with the Board by any alien, if the Board finds that such request is frivolous, the Board shall dismiss such request and furnish notice thereof to the alien making such request. If the Board finds that any request is not frivolous, the Board shall immediately furnish notice of the filing of such request to the consular office or Immigration and Naturalization Service office where the determination in question was made and such office shall transmit to the Board a transcript of the entire record of such office pertaining to such determination. Thereupon the Board shall proceed to review the determination so presented to it. The commencement of a review under this section shall not operatee as a stay of any determination subject to review.

(c) Each review under this section shall be conducted solely upon the administrative record upon which the determination of a consular officer or immigration officer is based and such officer's findings of fact and conclusions of law, if supported by reasonable, substantial, and probative evidence on the record considered as a whole, shall be conclusive.

(d) The Board shall set aside as unlawful (1) any findings and conclusions of a consular officer or immigration officer found to be unsupported by reasonable, substantial, and probative evidence on the record considered as a whole and (2) any action of a consular officer or immigration officer found to be an abuse of discretion or in excess of statutory authority. The Board shall compel any action of a consular officer or immigration officer found to have been unlawfully withheld.

(e) In carrying out its duties under this Act, the Board shall endeavor to insure, insofar as practicable, that the administration of the Immigration and Nationality Act shall be uniform and equitable.

(f) The Board shall communicate notice of its decision in each case to the alien who requested review of the determination involved in such case and to the consular office or immigration office where such determination was made. Decisions of the Board shall be binding upon the consular officer or immigration officer who made the determination concerned, and his successors, and shall be final and conclusive for all purposes and not subject to review by any other official of the United States or by any court by mandamus or otherwise.

(g) Notwithstanding any provision of the Immigration and Nationality Act to the contrary, the procedure prescribed by this section shall be the sole and exclusive procedure for the review of all final determinations hereafter made by consular officers refusing or revoking nonimmigrant, or immigrant visas to any aliens outside the United States and by immigration officers refusing the conditional entry of any aliens outside the United States.

SEC. 3. In carrying out their powers, duties, and functions under the Immigration and Nationality Act, consular officers and immigration officers to whom application is made by any aliens outside the United States for the issuance of nonimmigrant or immigrant visas or the granting of conditional entries shall inform such aliens of their right to obtain a review by the Board, pursuant to this Act, of the final determinations of such officers refusing or revoking such visas or conditional entries.

SEC. 4. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

BILL TO ESTABLISH STATUTE OF LIMITATIONS FOR DEPORTATION PROCEEDINGS

Mr. FONG. Mr. President, fifth, I introduce, for appropriate reference, a bill which would add a new subsection to section 241 of the Immigration and Nationality Act, in order to establish a statute of limitations with respect to the deportation of aliens from the United States.

Clause (A) of the first paragraph of this new subsection would prevent the deportation of an alien who is in the United States if he has been physically present in the United States for a continuous period of 10 years or more and has been—and still is—a person of good moral character during the entire period of his residence in the United States.

This clause would primarily benefit aliens who entered the United States without inspection, or who are admitted as nonimmigrants and remain beyond the expiration date of their visas. So long as such aliens live in the United States for a continuous period of 10 years and were, and still are, good residents of their communities, they would be permitted to remain in this country.

In order for the purposes of this clause to be carried out, my proposal specifies that the mere fact that an alien does not come forward and volunteer information concerning his illegal entry to or residence in the United States shall not be used as a ground for finding that he is not, or was not, a person of good moral character.

However, if the alien is called before an official proceeding held under law of the United States and, upon making an apearance, fails to answer correctly specific questions concerning his illegal status, this conduct may be used as a ground for a finding that he is not a person of good moral character.

Clause (B) of the first paragraph of the new subsection would prevent the deportation of an alien who is in the United States if the conduct for which he is deportable occurred more than 10 years prior to the institution of deportation proceedings against him.

Thus, where an alien cannot meet the residence requirements of clause (A), he can still obtain the benefits of clause (B), if the particular conduct for which he is deportable occurred more than 10 years prior to the institution of deportation proceedings against him.

For example, an alien who has been in the United States for only 2 years may be threatened with deportation as the result of new information which has become known to the immigration officers concerning the commission by such alien of a crime involving moral turpitude prior to his entry in the United States. If the crime occurred more than 8 years before his admission to the United States, the 10-year period would be satisfied and that alien could not be deported on account of that past conduct.

In order to conform with the purposes of clause (A), aliens who are deportable because they entered without inspection or have remained in the United States beyond the time allowed by their entry documents are specifically excepted from coverage by clause (B).

This is to assure that in order for these aliens to benefit from the statute of limitations, they must be persons of good moral character during their residence in the United States. Also, since they continue to be in violation of the Immigration and Nationality Act during all the time they reside in the United States without valid entry documents, this exception merely clarifies the interpretation which should otherwise be given to clause (B); that is, that the 10-year period prescribed by clause (B) would not run out with respect to such aliens because the conduct for which they are deportable is a status which continues to attach to them during all their residence in the United States.

Finally, paragraph (3) of the subsection would provide that any alien who has not been admitted to permanent residence, but who cannot be deported under the other provisions of this subsection, shall, upon application, be considered to have been lawfully admitted to the United States for permanent residence at the time he met the necessary requirements. If the alien is chargeable to any category described in section 203(a) of the Immigration and Nationality Act, the visas to be issued to that category are to be reduced by one.

If an alien has lived in the United States for 10 years and has established himself in a community as a person of good moral character and respect during that entire period, then I think it only fair to permit him to remain in the country without the constant threat of deportation hanging over him, like the sword of Damocles.

I ask unanimous consent that the text of this bill be printed in the RECORD at this point.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 1288) to provide a statute of limitations with respect to the deportation of aliens from the United States, introduced by Mr. FONG, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 1288

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 241 of the Immigration and Nationality Act (8 U.S.C. 1251), relating to the classes of aliens who shall be deported from the United States, is amended by adding at the end thereof a new subsection as follows:

"(g) (1) Notwithstanding any other provision of this Act, no alien in the United States (including an alien crewman) shall, on or after the date of enactment of this subsection, be deported if—

"(A) such alien has been physically present in the United States for a continuous period of not less than ten years, and, during all of the period of his residence in the United States, has been (and still is) a person of good moral character; or

"(B) the conduct (whether or not such conduct occurred prior to or after such alien entered the United States) for which such alien is deportable occurred more than ten years prior to the institution of deportation proceedings against him; except that this clause shall not be applicable to any alien who is deportable because he entered the United States without inspection or at any time or place other than as designated by the Attorney General or has remained in the United States beyond the expiration date of his entry document.

"(2) For the purposes of clause (A) of paragraph (1), the fact that any alien conceals or fails to disclose, at the time he entered the United States, or thereafter during the period of his residence in the United States (other than upon inquiry made in any case where such alien appears in any administrative or judicial proceeding held under any law of the United States), any matter relating to the fact that at the time he entered the United States he was within one or more of the classes of aliens excludable by law existing at such time, or that he entered the United States without inspection or at any time or place other than as designated by the Attorney General, or that he has remained in the United States after the expiration date of his entry document, shall not be used as the basis of, or constitute a ground for, a finding that such alien is not, or was not during such period, of good moral character.

"(3) Any alien who meets the requirements of clause (A) or (B) of paragraph (1) and has not acquired permanent residence shall, upon application therefor to the Attorney General, be held and considered to have been lawfully admitted to the United States for permanent residence as of the date such alien satisfied such requirements. Upon the granting of permanent residence as provided for in this paragraph, the Secretary of State shall reduce by one the number of the visas authorized to be issued under section 203(a) within any class to which the alien is chargeable, for the fiscal year then current."

BILL TO REPEAL IMMIGRATION AND NATIONALITY ACT PROVISIONS DISCRIMINATING AGAINST NATURALIZED CITIZENS

Mr. FONG. Mr. President, sixth, I introduce for appropriate reference a bill to repeal certain provisions of the Immigration and Nationality Act which unjustly discriminate against naturalized citizens of the United States, introduced by Mr. FONG, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 1289

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Naturalized Citizens Equality Act".

SEC. 2. Section 340 of the Immigration and Natonality Act (8 U.S.C. 1451); relating to revocation of naturalization, is amended as follows:

(1) Subsection (a) of such section is amended by striking out the following: ": *Provided,* That refusal on the part of a naturalized citizen within a period of ten years following his naturalization to testify as a witness in any proceeding before a congressional committee concerning his subversive activities, in a case where such person has been convicted for contempt for such refusal, shall be held to constitute a ground for revocation of such person's naturalization under this subsection as having been procured by concealment of a material fact or by willful misrepresentation".

(2) Subsections (c) and (d) of such section are hereby repealed.

(3) Subsection (f) of such section is amended by striking out the following: "under the provisions of subsections (c) or (d) of this section, or".

SEC. 3. (a) Paragraph (2) of section 350 of the Immigration and Nationality Act (8 U.S.C. 1482), relating to dual nationals, is amended by inserting, immediately after "section 354 of this title" a comma and the following: "as each such paragraph existed immediately prior to the repeal thereof by section 3(b) of the Naturalized Citizens Equality Act".

(b) Sections 352, 353, and 354 of the Immigration and Nationality Act (8 U.S.C. 1484-1486), relating to the loss of nationality by naturalized citizens, are hereby repealed.

(c) Section 355 of the Immigration and Nationality Act (8 U.S.C. 1487), relating to loss of nationality through parent's expatriation, is amended by striking out "or 352".

Mr. FONG. Mr. President, I am fully aware of the landmark decision rendered by the U.S. Supreme Court in 1964—Angelika L. Schneider against Rusk—which struck down as unconstitutional a provision of the Immigration and Nationality Act that takes citizenship away from a naturalized person who returns to live in his native country for 3 years.

At the time the Court handed down this decision, I applauded it vigorously and pointed out that the only difference the Framers of the Constitution drew between native born and the naturalized citizen is that only the native American is eligible to be President. In all other respects, all citizens—native and naturalized alike—stand on equal footing.

While I was pleased and delighted that this injustice has been wiped off our law books—and my bill, in this respect, simply brings the law into conformity with the Schneider case—I also urged at that time that Congress act to repeal other sections of the law which, in effect, create a second-class citizenship for our naturalized citizens who are assumed to have less reliability and allegiance to this country than do the native born.

The Supreme Court rightly ruled that the rights of citizenship of the native born and of the naturalized person are "of the same dignity and are coextensive." I should point out that this is true in each respect enumerated in my proposed bill.

The Constitution does not authorize the Congress to abridge these rights. We should restore them promptly.

NATIONAL FLOOD INSURANCE ACT

Mr. WILLIAMS of New Jersey. Mr. President, following the devastating flood of March 1962, I started striving to develop a workable flood insurance program. I called for a study to determine the feasibility of such a program to provide financial assistance to flood victims. After considerable effort, a provision for such a study was finally included in the Southeast Hurricane Disaster Relief Act of 1965. On August 8 of last year, the completed study was transmitted to the President, who in turn conveyed it to Congress. This report said a flood insurance program could and should be established. It outlined a program for accomplishing this. And I was informed that draft legislation embodying these recommendations would be forthcoming.

It is now March 14, some 7 months later. I had hoped that a bill implementing these recommendations would be before the Senate by this time. Unfortunately, this is not the case. As chairman of the Securities Subcommittee of the Banking and Currency Committee. I know that plans have been made to hold hearings on this subject matter early this session by this subcommittee.

A bill has been developed by the National Association of Insurance Commissioners and transmitted to me. In the interest of getting a bill before the committee and in seeing that all proposals are given adequate consideration and study, I am today introducing this bill